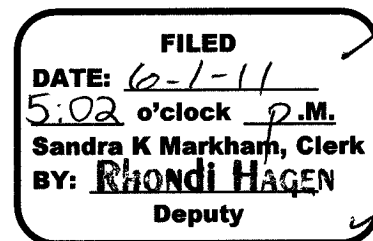


w/o

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YAVAPAI



DIVISION PRO TEM B

SANDRA K MARKHAM, CLERK

HON. WARREN R. DARROW

BY: R. Hagen, Deputy Clerk

CASE NO. V1300CR201080049

DATE: June 1, 2011

TITLE:

STATE OF ARIZONA,

COUNSEL:

Yavapai County Attorney

By Sheila Polk

Bill Hughes

(Via OnBase)

(Plaintiff)

(For Plaintiff)

v.

JAMES ARTHUR RAY,

Thomas K. Kelly

(Via Electronic Mail)

(For Defendant)

(Defendant)

and

Luis Li/Brad Brian/Truc Do/Miriam Seifter

MUNGER TOLLES & OLSON LLP

(Via Electronic Mail)

(For Defendant *Pro Hac Vice*)

HEARING ON:

NATURE OF PROCEEDINGS

COURT REPORTER

JURY TRIAL – DAY 45

Mina Hunt

START TIME: 8:49 a.m.

APPEARANCES:

Sheila Polk, Counsel for State

Bill Hughes, Co-Counsel for State

Detective Ross Diskin, Case Agent

James Arthur Ray, Defendant

Tom Kelly, Counsel for Defendant

Luis Li, *Pro Hac Vice* Counsel for Defendant

Truc Do, *Pro Hac Vice* Counsel for Defendant

Robert Lauanders, Court Appointed Counsel for Mark Rock

The Jury is not present.

The Court received a Petition for Use Immunity relating to Mr. Rock under A.R.S. §13-4064 and a Request from Defendant for an *In Camera* Review and Motion to Strike Testimony of Mark Rock.

Counsel present oral argument on the Petition and Request.

Counsel for Mark Rock avows that the documentation provided under seal was not related to, nor is pursuant to, any Ethical Rules.

Given the statement of Counsel for the Witness, the Court **finds** there is no concern of impending perjury or crime of some sort. With regard to the *Brady* issue, the Court will not undertake the issue at this time. Further, Counsel are advised that the Court will not view the information submitted under seal and that the Court will proceed with Mr. Rock.

The Court denies Defense Counsel's request for a brief recess.

Counsel for Defendant moves to strike Mark Rock's testimony. The State objects. **IT IS ORDERED denying** the oral motion.

The Court signs the Order of Use Immunity of Mark Rock in open Court.

The Court advises Mr. Launders has complied with the Court's instruction regarding representation of Mr. Rock. ✓
IT IS ORDERED relieving Mr. Launders of any further responsibility.

~~~Recess~~~

At 9:39 a.m. the trial reconvenes with all previously appearing parties and the Jury present. Mark Rock, previously sworn, resumes the witness stand and testifies.

Exhibit 1069 is offered and admitted into evidence without objection.

The Court and Counsel conduct a sidebar discussion out of the presence of the Jury on the record. The witness continues testimony.

The Court and Counsel conduct a sidebar discussion out of the presence of the Jury on the record. The witness continues testimony.

The Jury and the witness are reminded of the respective admonishments, excused for a recess and leave the courtroom.

The Court and Counsel address a Defense objection regarding testimony.

Defense Counsel addresses the Court with authority regarding false testimony and moves the Court not to proceed with testimony from the current witness. Argument ensues. The Court **finds** these are topics for cross-examination of the witness.

~~~Recess~~~

At 10:48 a.m. the trial reconvenes with all previously appearing parties and the Jury present.

Mark Rock resumes the witness stand and testifies further.

The Jury and the witness are reminded of the respective admonishments, excused for a recess and leave the courtroom.

~~~Recess~~~

At 11:40 a.m. the trial reconvenes with all previously appearing parties and the Jury present.

Mark Rock resumes the witness stand and testifies further.

The Jury and the witness are reminded of the respective admonishments, excused for the noon recess and leave the courtroom.

~~~Noon Recess~~~

At 1:33 p.m. the trial reconvenes with all previously appearing parties and the Jury present.

Mark Rock resumes the witness stand and testifies.

The Court and Counsel conduct a sidebar discussion out of the presence of the Jury on the record.

The witness resumes testifying.

The Jury and the witness are reminded of the respective admonishments and excused for a recess.

~~~Recess~~~

At 3:27 p.m. the trial reconvenes with all previously appearing parties and the Jury present.

Mark Rock resumes the witness stand for further testimony.

Exhibit 1070 is admitted into evidence pursuant to stipulation of Counsel.

The Court and Counsel conduct a sidebar discussion out of the presence of the Jury on the record.

Mark Rock continues testifying.

The Court and Counsel conduct a sidebar discussion out of the presence of the Jury on the record.

Mark Rock continues testifying.

The witness is admonished and excused, subject to recall.

The Court and Counsel conduct a sidebar discussion out of the presence of the Jury on the record.

The Jury is reminded of the admonishment and excused for the day.

The Court stands adjourned.

**END TIME: 5:02 p.m.**

cc: Gallagher & Kennedy, P.C., Counsel for Shore Family (e)  
Murphy, Schmitt, Hathaway & Wilson, PLLC, Co-Counsel for Brown Family (e)  
Stone & Magnanini, Co-Counsel Brown Family (e)  
Aspey, Watkins & Diesel, PLLC, Counsel for Neuman Family (e)  
Steptoe & Johnson, Counsel for KPNX Broadcasting Company, TruTV and In Session (e)  
Perkins, Coie, Brown & Bain, Counsel KTVK-TV (e)  
Division PTB (e)  
Yavapai County Public Defender (e) (Courtesy, Withdrawn)  
Victim Services (e)  
Court Administration  
Customer Service Supervisor, Camp Verde Superior Court Building